

109TH CONGRESS  
2D SESSION

# S. 2812

To amend the Petroleum Marketing Practices Act to prohibit restrictions on the installation of renewable fuel pumps, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 16, 2006

Mr. DAYTON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To amend the Petroleum Marketing Practices Act to prohibit restrictions on the installation of renewable fuel pumps, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Renewable Fuels Pro-  
5       motion Act”.

6       **SEC. 2. PROHIBITION ON RESTRICTION OF INSTALLATION**  
7       **OF RENEWABLE FUEL PUMPS.**

8       (a) IN GENERAL.—Title I of the Petroleum Mar-  
9       keting Practices Act (15 U.S.C. 2801 et seq.) is amended  
10      by adding at the end the following:

1 **“SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLA-**  
 2 **TION OF RENEWABLE FUEL PUMPS.**

3 “(a) DEFINITION OF FRANCHISE-RELATED DOCU-  
 4 MENT.—In this section, the term ‘franchise-related docu-  
 5 ment’ means—

6 “(1) a franchise under this Act; and

7 “(2) any other contract or directive of a  
 8 franchisor relating to terms or conditions of the sale  
 9 of fuel by a franchisee.

10 “(b) PROHIBITION.—No franchise-related document  
 11 shall contain a provision under which a franchisor restricts  
 12 a franchisee (or an affiliate of a franchisee) from installing  
 13 on the marketing premises of the franchisee a renewable  
 14 fuel pump.

15 “(c) ENFORCEMENT.—Any provision described in  
 16 subsection (b) that is contained in a franchise-related doc-  
 17 ument and in effect on the date of enactment of this Act—

18 “(1) shall be considered to be null and void as  
 19 of that date; and

20 “(2) shall not be enforced under section 105.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) IN GENERAL.—Section 101(13) of the Pe-  
 23 troleum Marketing Practices Act (15 U.S.C.  
 24 2801(13)) is amended by adjusting the indentation  
 25 of subparagraph (C) appropriately.

1           (2) TABLE OF CONTENTS.—The table of con-  
 2           tents of the Petroleum Marketing Practices Act (15  
 3           U.S.C. 2801 note) is amended—

4                   (A) by inserting after the item relating to  
 5           section 106 the following:

“Sec. 107. Prohibition on restriction of installation of renewable fuel pumps.”;

6                   and

7                   (B) by striking the item relating to section  
 8           202 and inserting the following:

“Sec. 202. Automotive fuel rating testing and disclosure requirements.”.

9   **SEC. 3. REFUELING.**

10       The Energy Policy Act of 1992 is amended by insert-  
 11       ing after section 304 (42 U.S.C. 13213) the following:

12   **“SEC. 304A. FEDERAL FLEET FUELING CENTERS.**

13       “(a) IN GENERAL.—Not later than January 1, 2008,  
 14       the appropriate Federal agency shall install not less than  
 15       1 renewable fuel pump at every Federal fleet fueling cen-  
 16       ter in the United States.

17       “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
 18       are authorized to be appropriated such sums as are nec-  
 19       essary to carry out this section.”.

20   **SEC. 4. REPORT.**

21       Not later than October 31 of each year beginning  
 22       after the date of enactment of this Act, the President shall  
 23       submit to Congress a report that describes the progress

1 of the agencies of the Federal government (including the  
2 Executive Office of the President) in complying with—

3 (1) the Energy Policy Act of 1992 (42 U.S.C.  
4 13201 et seq.);

5 (2) Executive Order 13149 (65 Fed. Reg.  
6 24595; relating to greening the government through  
7 Federal fleet and transportation efficiency); and

8 (3) the Federal fleet fueling center requirement  
9 under section 304A of the Energy Policy Act of  
10 1992 (as added by section 3).

○